REMARKS

IF THIS AMENDMENT IS REFUSED ENTRY, THE APPEAL BRIEF WILL SET FORTH A CLAIM-BY-CLAIM-SEPARATE ANALYSIS IN ACCORDANCE WITH THE FOLLOWING REMARKS.

The Office Action dated April 15, 2005 has been reviewed and carefully considered. Claims 2-4, 6, 15, 17, 21 and 22 are redrafted into independent form, but not otherwise revised. The original independent claims, 1, 14 and 20, are amended. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

Claims 1-24 stand rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,758,540 to Adolph et al. ("Adolph").

Claim 2 recites, ". . . a system for identifying a skippable region in the overlaid area . . . the identification system identifies the entire overlaid area as the skippable region if the current video frame comprises a B picture."

Adolph, by contrast, fails to disclose or suggest the conditionality recited in claim 2.

Instead, Adolph either:

a) decodes the part of the MIS input signal corresponding to its on-screen display (OSD) if motion exists in the video in the vicinity of the OSD; or

b) may refrain from decoding the MIS input signal corresponding to its on-screen display if motion does not exist in the vicinity of the OSD (col. 3, line 66 – col. 4, line 7).

It is unclear to the applicants in what sense the Office Action suggests that

the temporal type of the content of the current frame bears on whether or not motion

exists in the MIS input signal in the vicinity of the OSD. Although the frequency of B-

frames in the initial system design may bear on the likelihood of whether "the current

video frame comprises a B picture," such knowledge would still fail to indicate, with

even the faintest bit of reliability, whether or not motion exists in the MIS input signal in

the vicinity of the OSD. Nor does Adolph disclose or suggest taking into account the

frequency of B-frames in the initial system design in deciding whether or not motion

exists in anywhere in the video, much less in deciding whether the motion exists in the

vicinity of the OSD.

The Office Action cites to lines 48-60 in Adolph, but this passage merely

indicates that the text or graphic content of the OSD overlay is stored as MPEG-encoded

I-type macroblocks, and seemingly indicates nothing about any video frame, much less

the current video frame.

In particular, Adolph fails to disclose or suggest, ". . . a system for

identifying a skippable region in the overlaid area . . . the identification system identifies

the entire overlaid area as the skippable region if the current video frame comprises a B

picture."

For at least these reasons, Adolph fails to anticipate the present invention as

recited in claim 2.

Claim 3 recites, ". . . the identification system identifies the entire overlaid

area as the skippable region if none of the sequence of video frames acts as reference

frames."

It appears clear from the discussion above with regard to the rejection of claim 2 that the instant ground of rejection of claim 3 lacks any merit whatsoever.

The Office Action cites to lines 1-15 of column 3 in Adolph, which passage bears no apparent relationship to anything that could be considered relevant to the instant discussion.

For at least the foregoing reason(s), the cited reference fails to anticipate the present invention as recited in claim 3.

Claim 4 recites, ". . . calculates a motion vector range . . ."

Although Adolph, in conforming the OSD text/graphic to the surrounding video, assigns the OSD a null motion vector, it is unclear to the present applicants how Adolph can reasonably be deemed to disclose or suggest that Adolph ". . . calculates a motion vector range . . ."

The Office Action cites the Adolph null motion vector, but fails to offer what any further guidance.

For at least the foregoing reason(s), the cited reference fails to anticipate the present invention as recited in claim 4.

Claim 6 recites, ". . . a motion vector analysis system that examines motion vectors in a predicted frame that references the current video frame in order to identify prediction macroblocks in the overlaid area of the current video frame."

Adolph, by contrast, in the case of motion in the MIS input signal in the vicinity of the OSD, may apply motion vectors to decode a frame for display; but, it is unclear to the applicants in what sense it properly can be said that Adolph "examines

motion vectors in a predicted frame that references the current video frame <u>in order to</u>

<u>identify</u> prediction macroblocks in the overlaid area of the current video frame."

For at least this reason, Adolph fails to anticipate the present invention as

recited in claim 6.

Claim 15 is a software claim corresponding to system claim 4, and is

likewise deemed patentable over the cited reference.

Claim 17 is a software claim corresponding to system claim 6, and is

likewise deemed patentable over the cited reference.

Method claim 21 recites a "motion vector range" and is deemed patentable

over the cited reference for at least the same reason(s) set forth above with regard to

claim 4.

Claim 22 is a method claim corresponding to system claim 6 and is likewise

regarded as patentable over the cited reference for at least the same reason(s) set forth

above with regard to claim 6.

Each of the other rejected claims depends from a respective base claim, and

is deemed patentable over the cited reference at least due to its respective dependency.

Independent claim 1, as amended, recites:

> An optimization system for processing encoded video data, comprising:
> a frame analysis system configured for examining a current video frame
> having an overlaid area, and for <u>determining</u>, from the examining, <u>whether</u>
> <u>said current video frame acts as a reference for future video frames</u>; and
> a system configured for <u>identifying, based on a determination reached in</u>
> <u>said determining</u> for said current video frame, a region in the overlaid area
> of said current video frame skippable for purposes of the acting as said
> reference

As mentioned above, Adolph either:

a) decodes the part of the MIS input signal corresponding to its on-screen

display (OSD) if motion exists in the video in the vicinity of the OSD; or

b) may refrain from decoding the MIS input signal corresponding to its

on-screen display if motion does not exist in the vicinity of the OSD (col. 3, line 66 – col.

4, line 7).

Adolph, in making the decision between course a) or b) does not take into

account the type of the current video frame.

For at least this reason, Adolph fail to anticipate the present invention as

recited in claim 1.

Independent claims 14 and 20 are correspondingly revised, and deemed to

be patentable over the cited reference for at least the same reason(s) set forth above with

regard to claim 1.

The amendment of each of independent claims 1, 14 and 20 finds support in

the specification (e.g., page 5, line 22 – page 6, line 7; page 8, line 8 – page 9, line 17).

A check for $1600.00 (8 x $200.00) is enclosed in payment of the fee for

adding eight independent claims in excess of three.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: July 15, 2005

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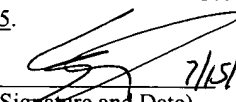Attorney for Applicant
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<u>Steve Cha, Reg. No. 44,069</u>   _____ 7/15/05
(Name of Registered Rep.)   (Signature and Date)